

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.11 of 1998.

Thursday this the 31st day of August, 2000.

CORAM:

HON'BLE MR A.M.SIVADAS, JUDICIAL MEMBER

HON'BLE MR V.K. MAJOTRA, ADMINISTRATIVE MEMBER

V.K. Sankara Pillai,
Retired Mail Guard,
Southern Railway,
Trivandrum Central,
residing at: "Sudharmma",
TC 2/3017/1
Panachimoodu Lane,
Pallom Palace P.O.,
Trivandrum -4.

Applicant

(By Advocate Shri T.C. Govindaswamy)

Vs.

1. Union of India through
the General Manager,
Southern Railway,
Headquarters Office,
Park Town P.O.
Madras-3.
2. The Chief Operations Manager,
Southern Railway,
Headquarters Office,
Madras -3.
3. The Divisional Railway Manager,
Southern Railway,
Trivandrum Division,
Trivandrum-14.
4. The Senior Divisional Operations Manager,
Southern Railway,
Trivandrum Division,
Trivandrum-14.

Respondents

(By Advocate Smt. Sumathi Dandapani)

The application having been heard on 31.8.2000, the Tribunal
on the same day delivered the following:

O R D E R

HON'BLE MR A.M.SIVADAS, JUDICIAL MEMBER

The applicant seeks to quash A-7, A-10 and A-13 and to direct the respondents to grant him consequential benefits.

2. The applicant while working as a Mail Guard was served with a memo of charges. The Disciplinary Authority found him guilty and awarded the penalty of reverting as Passenger Guard for a period of 9 months with effect from 11.5.96. Aggrieved by the same, he preferred an Appeal. The Appellate Authority confirmed the penalty imposed by the Disciplinary Authority. Dissatisfied with the same, the applicant preferred a revision petition and the Revisional Authority reduced the penalty to six months.

3. The applicant has raised various grounds in attacking the impugned orders.

4. Respondents have filed a detailed reply statement.

5. A-13 is the order of the Revisional Authority dated 24.2.97. The Revisional Authority has simply stated that he is satisfied that the procedure laid down under the Disciplinary and Appeal Rules have been correctly followed and the punishment awarded is too harsh.

6. The applicant has raised various grounds in the

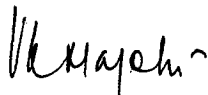


revision petition. It is needless to say that the Revisional Authority has to consider the revision petition and pass a speaking order. It cannot be a case of passing a mechanical order simply by saying that the Revisional Authority is satisfied that the procedure laid down under the rules have been correctly followed. The grounds raised have not been discussed by the Revisional Authority in A-13. That is a clear indication that there is no proper application of mind and proper consideration of the revision petition. That being so, the same is liable to be quashed.

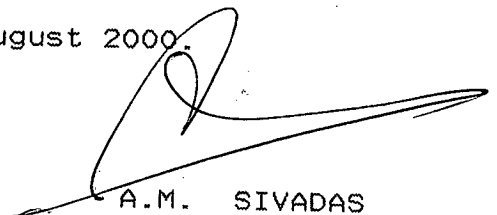
7. Accordingly, A-13 dated 24.2.97 is quashed. The Revisional Authority (2nd respondent) is directed to consider afresh the revision petition filed by the applicant and pass a speaking order considering all the aspects raised in the revision petition within three months from the date of receipt of a copy of this order.

8. O.A. is disposed of as above. No costs.

Dated the 31st August 2000.



V.K. MAJOTRA
ADMINISTRATIVE MEMBER



A.M. SIVADAS
JUDICIAL MEMBER

rv

List of Annexures referred to in the order :

Annexure A-7: A true copy of the Penalty Advice No. V/T 389/CSO/ Inspn/95/161 dated 9.5.96 issued by the fourth respondent.

Annexure A-10: A true copy of the appellate order No. V/P 237/A/96/ 49 dated 1.7.96 passed by the third respondent and communicated by the Senior Divisional Personnel Officer, Southern Railway, Trivandrum.

Annexure A-13: A true copy of the order No. P(A)/96/Misc/59 dated 24.2.97 issued by the second respondent.